

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, claim 9 has been rewritten in independent form, by incorporating the subject matter of claim 1, as a result of which claim 1 has been cancelled. Accordingly, claims 2-5, 7 and 10 have also been cancelled.

New claims 11-15 have been added to the application.

New claim 11 is supported by the disclosure at page 13, lines 14-15 of the specification.

New claim 12 is supported by page 11, lines 20-21.

New claim 13 is supported by the sentence bridging pages 16-17.

New claim 14 is supported by page 14, line 18.

New claim 15 is supported by the disclosure from page 9, line 25 to page 10, line 11.

Applicants respectfully submit that these amendments should be entered, even though they are being presented after final rejection, since the amendment to claim 9 serves merely to place this claim in independent form. Claim 9 has already been considered by the Examiner, and therefore, entry of the amendments to this claim will not require any further consideration and/or search of the prior art. This also applies to new claims 11-15, all of which are dependent on claim 9.

The patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1-5, 7 and 9-10 under 35 U.S.C. §103(a) as being unpatentable over Wlodarczyk et al. (R1) in view of Ishigaki et al. (R2) and Kato et al. (R3), as well as the rejection of these claims under 35 U.S.C. §103(a) as being unpatentable over Ishigaki et al. (R2) in view of Kato et al. (R3), are respectfully traversed.

R1 relates to a starter inoculum for leavening bread, and to the starter inoculum. The starter inoculum needs to be added to dough with a **living microbe**. On the other hand, the present invention relates to a process for producing a bread comprising adding a **sterilized** fermented soybean protein, for improving the flavor of the bread. R1 is thus quite different from the present invention.

The quality improver for producing bread of R2 contains, as essential components, (i) a component selected from malt, rice fermentation product, and wheat fermentation product, and (ii) biotin. The lactic acid fermentation product of soybean is a **supplementary component** in the quality improver for producing bread of R2 (column 6, lines 15-17 of R2).

In addition, R2 describes that the preferable amount of the component (i) is about 0.01 to about 0.2 part by weight, more preferably 0.03 to 0.1 part by weight, per 100 parts by weight of the total cereal powder (column 7, lines 48- 54). R2 also describes that the quality improver for producing bread desirably contains 10 to 100 parts by weight of the lactic acid fermentation product of soybean as described above per 100 parts by weight of the component (i) on a dry basis (column 6, lines 37-40). In other words, R2 discloses that the additive amount of the lactic acid fermentation product of soybean to the dough is **only up to 0.2 part by weight** based on 100 parts by weight of cereal flour.

The Examiner states that R2 discloses that the amount of the improver is 1.2 or 3% by weight. However, this is wrong. Table 1 of R2 shows the composition of the quality improver; and the quality improvers shown in Table 1 are incorporated into bread according to the composition shown in column 9, lines 45-64 of R2. Therefore, the lactic acid fermentation product of soybean is added only in an amount of about 0.012 or 0.03 % by weight with respect to cereal flour.

As explained above, R2 neither teaches nor suggests adding a fermented soybean protein, **as essential component**, in an amount of **0.35 to 3.5 parts by weight** in terms of a soybean solid content based on 100 parts by weight of cereal flour.

R3 relates to fermented soybean milk **as a beverage**, and describes that the flavor of the fermented soybean milk itself is improved by fermentation. The desired flavor of fermented soybean milk beverage and that of bread is different. Therefore, there is no motivation to combine R2 and R3.

Even if R2 and R3 were combined, a skilled person in the art would not expect that the fermented soybean protein would improve the flavor of bread because only a small amount of the lactic acid fermentation product of soybean is added in R2.

Applicants also note that R3 describes that **bacteria that are used for preparing lactic fermented products of milk are suitable** in an ordinary case (column 3, lines 53-56 of R3). Meanwhile, the present application describes that the lactic acid bacteria used in conventional

fermented milk **and those derived from sour leaven** (new claim 11) are suitable (page 13, lines 7-17 of the specification). As understood from these disclosures, contrary to the Examiner's position as set forth in paragraph 18 on page 5 of the Office Action a skilled person in the art would not use lactic acid bacteria derived from sour leaven in a fermented soybean milk **beverage**.

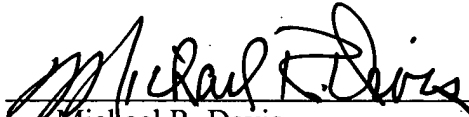
Thus, Applicants take the position that R1 and R2, when taken together, fail to suggest the presently claimed invention, and that R3 is not an appropriate reference against the invention. Furthermore, even if all three of these references were combined, the result of such combination would still not suggest the present invention.

For these reasons, Applicants submit that the present invention as claimed is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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April 19, 2010